

10 MAY 1977

Spying fears

The Nixon administration is being pressed to defend itself from charges of repression and the violation of individual rights through its surveillance activities.

In mid-April, Central Intelligence chief Richard Helms protested in a rare public speech that the country must "take it on faith that we too are honorable men devoted to her service."

Then, Attorney General Mitchell responded to the charges of Senator Muskie that the FBI had checked on his Earth Day activities a year ago, and of Representative Boggs that his phone had been tapped. He accused the Maine senator of deliberately twisting the facts "to make a political headline" and the Louisiana representative of "a new type of paranoia — called 'tapanoia.'"

And Mr. Nixon himself, at his last San Clemente press conference, affirmed: "This is not a police state and it isn't going to become one."

Nor do we believe the United States is a police state, nor will become one.

Still, there are grounds for wariness.

It is not enough, really, for a head of the intelligence agency or an attorney general or even a president himself to ask the public to take their word that the run and breadth of government surveillance activities are wholly on the up and up. The recent disclosure of Army spying on public officials alone suggests how surveillance can get out of hand. A U.S. court of appeals ruled last week that the nature of Army domestic intelligence activities and their legality must be studied.

Further, Mr. Mitchell's assertion that he has the right to approve wiretaps in domestic security cases, without court order as is required in criminal cases, is open to legal question. Mr. Mitchell's position has lost out on constitutional grounds in lower federal courts and now must be passed on by the Supreme Court.

This newspaper has in the past supported legislation that gave the govern-

ment stronger powers to use wiretaps in criminal cases. This was so when the Omnibus Crime Control Act of 1968 was passed. At that time, we urged caution that the use of such anticrime tactics be closely monitored, which was provided for in the 1968 law in the form of mandatory reports to Congress.

Despite its protests of good intentions, therefore, the administration should not be surprised to be pressed hard to justify its surveillance activities. Whether well founded or not, fears are lodged in the minds of many Americans that surveillance techniques are being used to intimidate political or ideological opponents, or simply used indiscriminately.

Too great a zeal on the part of the Attorney General to protect his surveillance option, or the recitation of wiretap totals by the President which are put into question by other analyses of government surveillance — these defensive tactics should perhaps be replaced by an administration posture that shows as great an interest in guaranteeing constitutional rights as in protecting against clandestine wrongs.